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Attorneys for Fraenkische USA, LP

| UNITED STATES BANKRUPTCY COURT |
|--------------------------------|
| SOUTHERN DISTRICT OF NEW YORK  |

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: Chapter 11 In re :

: Case No. 05-44481 (RDD)

DELPHI CORPORATION, et. al., : (Jointly Administered)

Debtor. : ------ X

## RESPONSE AND OBJECTION TO DEBTORS' SEVENTEENTH OMNIBUS CLAIMS OBJECTION WITH RESPECT TO CLAIM NUMBER 16511

Fraenkische USA, LP, a creditor and party in interest in the chapter 11 Delphi Automotive Systems, LLC. ("Debtor"), hereby responds and objects to the Debtors' Seventeenth Omnibus Objection (Subtantive) Pursuant to 11 U.S.C. §502(b) and Fed.R.Bankr.P. 3007 To Certain (A) Insufficiently Documented Claims, (B) Claims Not Reflected On Debtors' Books and Records, (D) Untimely Claims and Untimely Tax Claims, and (E) Claims Subject to Modification, Tax Claims Subject To Modification, and Modified Claims Asserting Reclamation (the 'Objection') and specifically to the Debtors' Objection with respect to claim number 16511, and shows the Court as follows:

## **BACKGROUND**

- 1. Fraenkische USA, LP ("Fraenkische") provided goods to the Debtor on open account prior to October 8, 2005 (the "Petition Date").
- 2. As of the Petition Date, the Debtor owed Fraenkische \$59,175.40 (USD) on account of goods supplied to the Debtor on an open account basis for which the Debtor had not paid.
- 3. True and correct copies of the unpaid invoices support claim number 16511 are attached hereto as Exhibit "A".
- 4. The amount owed on account of the provision of goods set forth in the attached invoices is liquidated and due and owing.
  - 5. Fraenkische timely filed its proof of claim electronically on June 8, 2006.
- 6. The issue before the court is a dispute regarding the correct amount of an allowed general unsecured claim, and Fraenkische respectfully requests that the requirement of service and filing of a separate memorandum of law under Local Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York be deemed satisfied.

WHEREFORE, Fraenkische prays the Court enter its order allowing claim number 16511

as filed and for such other and further relief as the court deems just and proper.

This 6th day of July, 2007.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/s/ Barbara Ellis-Monro

Barbara Ellis-Monro (BEM 8615) Georgia Bar No. 246117 (admitted pro hac vice)

Suite 3100, Promenade II 1230 Peachtree Street, NE Atlanta, Georgia 30309 (404) 815-3500

Attorneys for Fraenkische USA, LP

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was forwarded by Federal Express, addressed as follows:

Delphi Corporation Attn: General Counsel 5725 Delphi Drive Troy, Michigan 48098

John Wm. Butler, Jr.
John K. Lyons
Joseph N. Wharton
Skadden, Arps, Slate, Meagher & Flom LLP
333 West Wacker Drive, Suite 2100
Chicago, Illinois 60606

This 6th day of July, 2007.

/s/ Barbara Ellis Monro

Barbara Ellis-Monro